HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.25672 OF 2003

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Between:

K. Narayana Ramana @ Ramudu

……Petitioner

And

Union of India, rep. by its Secretary,
Ministry of Home Affairs (Freedom Fighters Division),
Khan Market, New Delhi
and another

……Respondents

:: ORDER ::

Counsel for the Petitioner : Shri K.S.Murthy

Counsel for Respondent No.1 : Shri A.Rajasekhar Reddy

Counsel for Respondent No.2 : Government Pleader for Revenue

Dated: 24-10-2006

This is virtually the fourth round of litigation by the petitioner

who has prayed for issue of a mandamus to respondent No.1 i.e., Union of India to pass appropriate order in the matter of grant of pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short, the 1980 Scheme') in the context of letter No.12288/FF-.1/A.1/03 dated 13-03-2003 sent by Principal Secretary to Government, Revenue Department, Andhra Pradesh.

I have heard learned counsel for the parties and perused the record.

In the first round of litigation, Writ Petition No.4470 of 2002 filed by the petitioner for issue of a mandamus to the respondents to grant pension to him under the 1980 Scheme was disposed of by the learned Single Judge vide his order dated 08-10-2002 with the direction to the Union of India to consider his case within two months.

Due to the failure of respondent No.2 to forward his case to the Government of India, the petitioner was compelled to file Contempt Case No.222 of 2003, which was disposed of by the learned Single Judge in view of affidavit dated 18-03-2003 filed by Shri J.P Murty, the then Principal Secretary to Government of Andhra Pradesh (FF.I) Department to the effect that the petitioner's case has been forwarded to the Government of India vide letter dated 13-03-2003.

Shri K.S.Murthy, learned counsel for the petitioner lamented that even though a period of three years and seven months has elapsed, the Government of India has not taken final decision for grant of pension under the 1980 Scheme. Shri Murthy submitted that any further delay on the part of Government of India may make the matter infructuous for all times to come and, therefore, the Court may ordain the respondents to sanction pension in favour of the petitioner.

Shri A.Rajasekhar Reddy, learned Assistant Solicitor General candidly stated that claim of the petitioner for grant of pension under the 1980 Scheme has not been decided so far, but he tried to justify this by saying that the Government of Andhra Pradesh has not forwarded report in terms of paragraph 3 of the 1980 Scheme framed

by the Government of India.

In my opinion, it is not necessary to go into the issue of failure and/or negligence on the part of either of the governments to properly deal with the case of the petitioner, who has by now attained the age of 77 years because I feel that ends of justice will be met by directing both the respondents to take appropriate steps for determination of the petitioner's claim for grant of pension under the 1980 Scheme.

Hence the writ petition is disposed of with the following directions:

1) Within eight weeks from the receipt of copy of this order, Principal Secretary to Government, Revenue (FF.I) Department shall get the documents submitted by the petitioner duly verified through Collector, Kurnool and send fresh recommendations to Government of India in terms of para 3 of the 1980 Scheme.

2) Within six weeks of the receipt of communication sent by Principal Secretary to Government, Revenue (FF.I) Department, the concerned authority of Government of India shall decide the petitioner's claim for grant of pension by passing a speaking order, a copy of which shall be communicated to him by registered post at the end of six weeks period.

3) If the petitioner is found eligible and entitled to seek pension under the 1980 Scheme, then appropriate direction be issued for release of pension to him along with arrears, if any, admissible as per the extant policy.

G.S. SINGHVI, CJ

24-10-2006

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Note: The Court Officer is directed to give attested copies of this order

to the learned counsel for the petitioner, learned Assistant Solicitor General and learned Government Pleader for Revenue for being forwarded to their respective clients.

B/O